

A. Summary of Charging Dates

B. Time Excluded by District Court

PROPOSED ORDER
CR 08-0574 MHP

1 necessary for effective preparation, taking into account the exercise of due diligence. The
2 government proffered that a continuance was necessary for the defendants' review of
3 discovery to be produced by the government. The Court found that the ends of justice
4 served by the granting of the continuance outweighed the best interests of the public and
5 the defendants in a speedy trial.

6 On September 19, 2008, defendant HARRELL was arraigned on the Superseding
7 Indictment by United States Magistrate Judge Elizabeth D. Laporte. Defendant Harrell
8 objected to an exclusion of time under the Speedy Trial Act. However, at that time,
9 Harrell was joined for trial with codefendants as to whom the time for trial had not run
10 and no motion for severance had been granted. *See* 18 U.S.C. § 3161(h)(7).

11 On September 29, 2008, defendants ANGELICA SAGOTE, SEFO SAGOTE,
12 ELISARA TAITO, and DONNISHA HARRELL appeared before United States District
13 Court Judge Marilyn Hall Patel. At the hearing, ANGELICA SAGOTE, SEFO
14 SAGOTE, and ELISARA TAITO were arraigned on the Superseding Indictment.
15 ANGELICA SAGOTE, SEFO SAGOTE, and ELISARA TAITO consented to an
16 exclusion of time from September 29 to November 17, 2008, and the Court ordered time
17 excluded under 18 U.S.C. § 3161(h)(8)(B)(iv) on the basis that denying the request would
18 deny counsel for the defense the reasonable time necessary for effective preparation,
19 taking into account the exercise of due diligence. The government proffered that a
20 continuance was necessary for the defendants' review of discovery to be produced by the
21 government. The Court found that the ends of justice served by the granting of the
22 continuance outweighed the best interests of the public and the defendants in a speedy
23 trial. At the hearing, defendant HARRELL objected to an exclusion of time, but the
24 Court found time was excluded as to defendant HARRELL under 18 U.S.C. § 3161(h)(7),
25 in that HARRELL was joined for trial with codefendants as to whom the time for trial had
26 not run and no motion for severance had been granted.

1 On October 31, 2008, defendant HARRELL filed a motion to sever, with
2 supporting declarations from codefendants TAITO and SEFO SAGOTE. The motion was
3 scheduled to be heard December 1, 2008. Accordingly, time is excluded from October
4 31, 2008 to December 1, 2008, for all defendants, under 18 U.S.C. § 3161(h)(1)(F).

5 **C. Summary**

6 In summary, the Court ORDERS that time is excluded under the Speedy Trial Act
7 for all defendants from September 15, 2008, to December 1, 2008. The Court
8 acknowledges that defendant HARRELL has objected to an exclusion from September 19
9 to October 31, but the Court finds this “reasonable period of delay” is excluded under 18
10 U.S.C. § 3161(h)(7) in that no motion for severance has been granted.

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12 Date: 12/1, 2008

